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S E C R E T SECTION 01 OF 02 BAGHDAD 000199

SIPDIS

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TAGS: [PREL](#) [PTER](#) [PGOV](#) [PHUM](#) [PINR](#) [KDRG](#) [IZ](#) [US](#)

SUBJECT: SUCCESSFUL TRANSFER OF GTMO DETAINEES TO IRAQ;
CONTINUED DETENTION MONOTORED BY U.S. FORCES

REF: A. BAGHDAD 85

[B](#). BAGHDAD 37

[C](#). 08 BAGHDAD 4068

[D](#). 08 BAGHDAD 3512

[E](#). 08 BAGHDAD 3272

[F](#). 07 STATE 100598

Classified By: Political-Military Minister Counselor
Michael H. Corbin for reasons 1.4 (b) and (d)

[1](#). (S/NF) SUMMARY. After providing humane treatment and security assurances to the USG, the Government of Iraq (GOI) successfully took custody and control of four former Guantanamo detainees from U.S. forces January 17. The four are currently being detained for investigation into crimes possibly committed against Iraqi law at the Iraqi Counter-Terrorism Bureau (CTB) holding facility. The Ministry of Justice has issued detention orders valid until January 28 for investigations. According to U.S. forces, the detainees are in good health are being given generally better treatment than others currently in the facility. END SUMMARY.

[2](#). (S/NF) Four Iraqi detainees from Guantanamo Bay, Cuba (GTMO), Ali Abdul Motalib Awayd Hassan Al-Tayeea (ISN 111), Hassan Abdul Said, (ISN 435), Arkan Muhammad Ghafil Al-Karim, (ISN 653), and Abbas Abed Romi Al-Naely (ISN 758), were successfully transferred to the care and custody of the GOI January 17. Prior to transfer, the GOI had provided the USG with humane treatment and security assurances for the detainees (REF A). The four detainees arrived at the Coalition Forces (CF) side of Baghdad International Airport (BIAP) from GTMO in a U.S. Air Force C-17 at 15:15 (NOTE: All times local Baghdad time). After a delay caused by a jammed countermeasures flare on the aircraft, the four Iraqi detainees were taken into custody by security forces of Task Force-134 (TF-134) for transportation to the International "Green" Zone (IZ) in Baghdad.

[3](#). (S/NF) While TF-134 signed for the detainees and their effects, an Algerian detainee remained on the C-17. Meanwhile, an Afghan detainee was transferred into the custody of Combined Joint Task Force-101 (CJTF-101) security personnel from Baghram Air Base, Afghanistan, and moved to an awaiting C-130 for onward travel to Afghanistan. The C-17 took off from BIAP at 16:51 for Algeria, while the C-130 departed for Afghanistan at 20:34.

[4](#). (S/NF) TF-134 escorted the four Iraqi detainees to the Prime Minister's National Operation Center (PMNOC), arriving at approximately 18:30. Major Mohammed Khidir Mahmoud, an MOI investigator detailed to the PMNOC, individually confirmed the identification of the detainees based on photos provided to the Embassy and a short interview, before moving the blindfolded detainees one-by-one with their personal gear

and GTMO-provided bags into an Iraqi Police (IP) pick-up truck from the armored TF-134 MRAP vehicle. Mr. Hussain Al-Asady, Director General of the PMNOC, signed for each detainee, their personal effects, and medicine. The IP guard force left the PMNOC with the detainees at 18:53, enroute to the CTB detention facility a short distance away.

¶5. (S/NF) After arriving at the CTB detention facility, the CTB Chief of Intelligence signed for the detainees at approximately 20:00. The CTB is not responsible for interrogations of the detainees or for any trial procedures, just detention. They were placed in pairs, in two cells. Although the cells are intended for one person, they usually hold four to five detainees due to overcrowded conditions, a situation not unique for the CTB in Iraq.

¶6. (S/NF) COMMENT: The CTB detention facility is across from the Ministry of Defense (MOD) in the IZ. It used to be an MOD facility of the 6th Iraqi Army Division and Multi-National Security Transition Command - Iraq (MNSTC-I) had oversight and inspection responsibility. In June 2008, the facility was transferred from 6th Division to the Baghdad Brigade (BDE). The facility is run by the Baghdad BDE and one half holds their detainees and the other half holds detainees for the CTB. The site has a capacity of approximately 50, but has held as many as 173 detainees. The overall living conditions for food and water, showers, latrines, outside access to sunlight and treatment are actually good and better than many other Iraqi facilities. Al-Asady said he chose this facility because of its relatively safe and convenient location in the IZ. It is also as likely that the facility was chosen because both the

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Baghdad BDE and the CTB come under the command and control of the Prime Minister. END COMMENT.

¶7. (S/NF) By January 21, the former GTMO detainees were placed in individual cells after 31 other detainees had been either transferred or released from the facility by the CTB. During a recent visit to the facility January 21, LTG Helmick, Commanding General MNSTC-I, described as adequate the conditions of the facility, but also noted that overcrowding was still an issue, with other inmates being placed four to a cell.

¶8. (S/NF) Detention orders were issued for the four detainees by the Investigative Judge Saad Al-Lami at the Central Criminal Court - Iraq Al-Kharkh January 22. The orders were based on possible violations of Article IV of the Counter-Terrorism Law (association with terrorist organizations). The orders are valid until January 28, but will likely be extended. The judge has directed a documented investigation to be conducted to determine future legal actions against the four detainees. Major Mahmoud visited the detainees January 25 and indications are that the investigations will not begin until at least January 29. Transition Team members from MNSTC-I have daily access to the facility and reported that, as of January 25, the detainees appear healthy and not to have been abused.

¶9. (S/NF) COMMENT: The transfer of the four Iraq former GTMO detainees to the care and custody of the GOI was coordinated and executed well by all concerned parties. Full legal measures have been used by the GOI to detain the four for possible criminal charges. All actions thus far have been transparent and open for inspection. We believe the GOI is well aware that their actions are being watched and wants to ensure all responsible parties that they will treat the detainees humanely and in accordance with the rule of law in Iraq, while at the same time ensuring that the transferred detainees do not pose a threat to Iraqi or CF. It appears that the GOI authorities are not yet sure how to move forward with prosecution of the detainees and as such, they may eventually be set free. While they decide, the detention of the four at the CTB detention facility allows USG

representatives almost constant monitoring. Consistent with the GOI's assurances of humane treatment, post will continue to monitor the treatment of these four detainees and will follow-up with Mr. Hussain regarding the possible transfer of a fifth Iraqi detainee from GTMO (ISN 433, Jawad Jabber Sadkhan).

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